

### **REMARKS/ARGUMENTS**

Claims 1-14 and 15-20 are pending in the present application. In the Office Action mailed February 7, 2006, the Examiner rejected claims 1-14 under 35 U.S.C. § 102. However, the Examiner did not examine claims 15-20, as the Examiner has neither allowed nor rejected these claims. Reconsideration is respectfully requested in view of the following remarks.

#### **A. Claims 1-14 Rejected Under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,680,694 to Knockeart et al. (hereinafter, "Knockeart"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicant respectfully submits that the claims at issue are patentably distinct from Knockeart. Knockeart does not disclose all of the limitations in these claims.

Claims 1 and 8 recite "an external telephone network interface for connecting the telephone network interface to an external telephone network." Applicant submits that Knockeart does not disclose this limitation.

In the Office Action, the Examiner asserts that "[w]ith respect to claims 1 & 8, Knockeart teaches ... an external telephone network interface for connecting the telephone network interface to an external telephone network." Office Action, pages 2-3. In support of this assertion, the Examiner cited reference character 130 shown in Figure 3 of Knockeart. Id. However, Applicant submits that

external information system 130 merely “provide[s] information used by server system 125, or provide[s] information that is passed directly to in-vehicle systems 105.” Knockeart, col. 8, lines 55-57. Knockeart further discloses that “an external information system 130 can provide traffic-related information ... [and] communication services to vehicle operators, such as a paging service.” *Id.* at lines 61-53. However, traffic-related information and communication services are not “an external telephone network interface for connecting the telephone network interface to an external telephone network,” as recited in claims 1 and 8. Therefore, Knockeart does not disclose each and every element of claims 1 and 8.

Claims 1 and 8 additionally recite that the connection control operates to “selectively cause the telephone to be in electronic communication with the gateway for communicating with an embedded device such that device requests from the telephone are communicated to the gateway.” Applicant respectfully submits that Knockeart does not disclose this limitation. Specifically, Knockeart does not disclose that “the telephone ... [is] in electronic communication with the gateway,” as recited in claims 1 and 8.

In the Office Action, the Examiner asserts that Knockeart discloses this limitation. Office Action, pages 2-3. In support of this assertion, the Examiner cited Figure 21B of Knockeart and further asserted that this Figure “shows a person calls server to connect with the vehicle.” *Id.*

Applicant respectfully submits, however, that a person calling a server to connect with a vehicle is not “the connection control operating to selectively cause the telephone to be in electronic communication with the gateway for communicating with an embedded device such that device requests from the telephone are communicated to the gateway,” as recited in claims 1 and 8. Rather, Applicant submits that Knockeart’s description of Figure 21B clearly states that the person (operator in Fig. 21B) and the server (centralized server 120) are not in electronic communication with each other. Knockeart discloses that the operator “contacts the server system, for example, by placing a telephone call to a telephone operator [2110] with access to the server system.” Knockeart, col. 40, lines 4-6.

Applicant submits that the telephone operator 2110 is simply that; a telephone operator and that a telephone operator is a human interface between the vehicle operator and the centralized server 120. For example, Knockeart describes the function of the telephone operator 2110 in the case of needed emergency or roadside assistance, “[a]fter the in-vehicle system transfers the data to the server, the operator can communicate with a telephone operator 2110 at the server using the telephone handset in the vehicle.” Id. at col. 39, lines 47-50. Thus, the vehicle operator uses a telephone handset in the vehicle to call and talk to a live telephone operator. Furthermore, “[t]his [communication via the vehicle handset] allows the [vehicle] operator to provide details that may be useful in dispatching assistance.” Id. at lines 50-52. Whereby, the telephone operator 2110 presumably may call a tow truck or other needed emergency services and tell these service providers the vehicle operator’s location. In this case, the vehicle operator clearly uses the vehicle handset to tell a live telephone operator any details regarding the situation, and the live telephone operator calls the service provider to tell them the information. However, a live operator calling a service provider and telling them information, is not “electronic communication,” as recited in claims 1 and 8.

Additionally, Knockeart describes the function of the telephone operator when an operator locks the keys out of the car:

When a[ vehicle] operator is locked out of his or her car, he or she contacts the server system, for example, by placing a telephone call to a telephone operator [2110] with access to the server system. After appropriate authentication by the telephone operator [2110], the telephone operator [2110] initiates a remote door unlocking procedure that is executed by the server system.

Id. at col. 40, lines 3-9. The live telephone operator authenticates the vehicle operator, likely by asking the vehicle operator about previously provided information, much like any other telephone operator that may work for a financial institution or other business asking for the maiden name of the customer’s mother or some other private information. After this authentication, “the telephone operator [2110] informs the vehicle operator of the time that the doors will be unlocked, since the schedule of vehicle listening times is available to the telephone operator [2110].” Id. at lines 31-35. The live telephone operator then tells the vehicle operator when the doors will be unlocked. As in

the case of emergency or roadside assistance, the live operator acts as an intermediary between the vehicle operator and some desired outcome. However, as shown above, a live operator acting as an intermediary is not “electronic communication,” as recited in claims 1 and 8.

Knockeart further describes the function of the telephone operator [2110] in the case of a stolen vehicle, “[a] vehicle operator calls a telephone operator [2110] at the centralized server to notify the 40 telephone operator [2110] that the vehicle has been stolen.” Id. at lines 38-40. In this case, as in the others, the live telephone operator receives the call and acts appropriately based on this information. However, a live operator receiving and acting on a call, is not “electronic communication,” as recited in claims 1 and 8. Therefore, Knockeart does not disclose each and every element of claims 1 and 8.

Claims 1 and 8 further recite that “the gateway comprises device information about the embedded device.” Applicant submits that Knockeart does not disclose this limitation.

In the Office Action, the Examiner asserts that “[w]ith respect to claims 1 & 8, Knockeart teaches ... the gateway comprises devices information about the embedded device.” In support of this assertion, the Examiner cited to Figure 4B of Knockeart. Id. Figure 4B depicts an in-vehicle database 432 and software 426 stored in static storage 222 on a vehicle 100. See Knockeart Figure 4B. Therefore, anything stored in static storage 222 is stored on the vehicle 100 not on the server system 125. However, the Examiner has asserted that server system 125 is the gateway and apparently is asserting that the vehicle 100 is an embedded device. Therefore, the vehicle 100 comprising static storage 222 is not “the gateway compris[ing] device information about the embedded device,” as recited in claims 1 and 8. Consequently, Knockeart does not disclose this each and every element of claims 1 and 8.

In view of the foregoing, Applicant respectfully submits that claims 1 and 8 are patentably distinct from Knockeart. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 8 be withdrawn.

Claims 2-7 depend directly from claim 1. Claims 9-14 depend either directly or indirectly from claim 8. Accordingly, Applicant respectfully requests that the rejection of claims 2-7 and 9-14 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 8.

B. Unexamined Claims 15-20

In the Response of January 17, 2006, Applicant added claims 15-20. However, the Examiner has neither allowed nor rejected these claims. It appears that the Examiner did not examine these claims.

Claims 15-17 depend directly from claim 1. Claims 18-20 depend directly from claim 8. Accordingly, Applicant respectfully submits that claims 15-20 are allowable for at least the same reasons as those presented above in connection with claims 1 and 8.

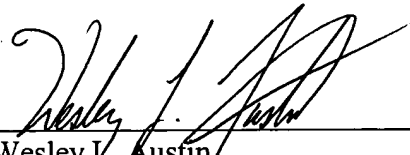
Additionally, Applicant can find no disclosure of the respective claim elements anywhere in the Knockart disclosure. Accordingly, as these claim limitations are not disclosed by the prior art, these claims are immediately allowable. Favorable consideration and allowance of these claims is respectfully requested. However, if the Examiner does not allow these claims and does not find Applicant's arguments persuasive, Applicant requests that the Examiner withhold making the rejections final because claims 15-20 were neither examined nor rejected.

Appl. No. 09/911,152  
Amdt. dated May 5, 2006  
Reply to Office Action of February 7, 2006

C. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
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Wesley L. Austin  
Reg. No. 42,273  
Attorney for Applicant

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MADSON & AUSTIN  
Gateway Tower West  
15 West South Temple, Suite 900  
Salt Lake City, Utah 84101  
Telephone: (801) 537-1700